
Appeal Decision

Site visit made on 18 December 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2025

Appeal Ref: APP/X1545/W/24/3346303

Little Acre, Scotts Hill, Southminster, Essex CM0 7BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adam Bennett against the decision of Maldon District Council.
 - The application reference is FUL/MAL/23/00999.
 - The development proposed is the demolition of an outbuilding and erection of a self-contained dwelling with vehicular parking and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be in a suitable location and with regard to access to services and facilities; and
 - the effect of the proposal on character and appearance of the surrounds.

Reasons

Suitability of location

3. The appeal site relates to an area of land containing a single storey annex building, that lies between a dwelling and a commercial barn, accessed by a drive from Scotts Hill. It is situated in a rural area surrounded by open fields and arable land.
4. Policy S1 of the Maldon District Local Development Plan 2017 (LP) supports growth in sustainable locations. It seeks to minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport.
5. The appeal site is situated in an area designated, in policy terms, as countryside. With regard to access to local services and facilities by sustainable transport modes, the appellant states that the nearest bus stops on David Fisher Way are some 580 metres away, and that it would be possible to walk to these via Scotts Hill. Policy S8 of the LP categorises Southminster as a 'Larger Village', which is defined as a settlement with a limited range of services and opportunities for employment, retail and education. It serves a limited local catchment and contains a lower level of access to public transport.

6. To my mind, the site is some distance from bus stops and the centre of Southminster where many of the other local services and facilities are situated. Whilst I acknowledge that it would be possible to walk or cycle to the village, the journey would only appear to be practical via Scotts Hill, which has no street lighting or pavement along part of its length; together with the unmade access drive to reach the new dwelling, this would not encourage walking or cycling, particularly at night or during inclement weather.
7. Therefore I consider that the location of the site would not provide a realistic prospect for travelling to and from local services and facilities and I find that future occupiers of the proposed dwelling would be highly reliant on the private car. Whilst I recognise that there is generally a greater reliance on the private car in rural areas, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. This would be contrary to the core principles of the National Planning Policy Framework (the Framework) that seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
8. Paragraph 83 of the Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. However, the contribution one additional dwelling and its occupants would make to the vitality of the rural community would be small. Consequently, whilst the development would make a limited contribution to the local economy and social well-being of the area, these factors would not outweigh my concerns over the location of the proposal.
9. I acknowledge that the appeal plot already accommodates an ancillary annex structure. However, this is not a separate dwelling in its own right and its presence does not justify the formation of a new house for the reasons previously given. Overall in my view, to allow this appeal would be to set aside countryside strategy as the primary method of directing development within this part of Maldon District. In the absence of any overriding rationale, it would potentially lead to similar arguments being made for other sites in close proximity to countryside boundaries, which would diminish the relevance of countryside strategy, and would be the antithesis of sustainable development.
10. I conclude on this issue that the proposal would not provide a suitable location for new housing. It would be contrary to the relevant provisions of Policies S1, H4 and T2, which amongst other things seek to minimise the need to travel and require new development to be located where there are walking and cycling routes to nearby services, facilities and public transport. It would also be inconsistent with the Framework which identifies that housing in rural areas should promote sustainable transport.

Character and appearance

11. The wider locality is of landscape and scenic quality, and I note that LP policies advocate that planning permission will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon. Nevertheless, within this context the the appeal site itself has only localised effects, being bordered to either side by other development. The proposal would only be readily apparent from the small number of other buildings and curtilages in the immediate area, and at greater distances from the public domain in glimpses to vehicles passing by.

12. Although the appeal scheme would result in some further urbanisation of the site, being larger than the ancillary outbuilding it is to replace, it would not represent an incongruous or intrusive form of development into this area of land. The design of the new dwelling, whilst not exceptional, is acceptable and would be appropriate within its setting in close proximity to other properties. The scheme would only be experienced by a limited number of receptors and the visual effects themselves would be minor given the presence of other development, and subject to a landscaping condition to soften the impact of the built form.
13. Taken in the round, I am of the view that the proposal would not materially harm the character and appearance of the surrounds. It would meet Policies S1, S8, D1 and H4 of the LP and the Council's Design Guide 2017, which seek to secure new development of acceptable scale and appearance. It would also be consistent with the advice in the Framework, which states that good design is a key aspect of sustainable development, and it is desirable for new proposals to make a positive contribution to local character and distinctiveness.

Other Issues

14. I appreciate all the matters that are deemed to be common ground as listed by the appellant. However, the development would not be in a suitable location for new housing and these matters do not outweigh the harm that would result. I observed the modern housing estate to the east of David Fisher Way that lies beyond the settlement boundary of Southminster; this is of a scale and extent that is not directly comparable to the individual dwelling before me, and I have not been provided with any detailed information as to the circumstances surrounding the approval of this scheme. I am told that the Bloor Homes development was refused in January 2024 but there is no indication that an appeal was submitted as a result of this decision, as such I accrue this issue minimal weight.

Conclusion

15. Based on the foregoing and all other matters raised, the appeal is dismissed.

C Hall

INSPECTOR